

# 2019 Current Fiscal Year Report: National Advisory Committee for Labor Provisions of United States Free Trade Agreements

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## 1. Department or Agency

Department of Labor

## 2. Fiscal Year

2019

## 3. Committee or Subcommittee

National Advisory Committee for Labor Provisions of United States Free Trade Agreements

## 3b. GSA

## Committee No.

1927

## 4. Is this New During Fiscal Year?

No

## 5. Current Charter

02/27/2017

## 6. Expected Renewal Date

02/27/2019

## 7. Expected Term Date

## 8a. Was Terminated During Fiscal Year?

No

## 8b. Specific Termination Authority

## 8c. Actual Term Date

## 9. Agency Recommendation for Next Fiscal Year

Continue

## 10a. Legislation Req to Terminate?

Not Applicable

## 10b. Legislation Pending?

Not Applicable

## 11. Establishment Authority Agency Authority

## 12. Specific Establishment Authority

Secretary of Labor, Article 17 of North American Agreement on Labor Cooperation (NAALC)

## 13. Effective Date

09/13/1993

## 14. Committee Type

Continuing

## 14c. Presidential?

No

## 15. Description of Committee National Policy Issue Advisory Board

## 16a. Total Number of Reports

No Reports for this Fiscal Year

## 17a. Open Meetings and Dates 0 17b. Closed Meetings and Dates 0 17c. Partially Closed Meetings and Dates 0 Other Activities 0 17d. Total Meetings and Dates 0

No Meetings

## Current FY Next FY

## 18a(1). Personnel Pmts to Non-Federal Members

\$0.00 \$0.00

## 18a(2). Personnel Pmts to Federal Members

\$0.00 \$0.00

## 18a(3). Personnel Pmts to Federal Staff

\$0.00 \$0.00

## 18a(4). Personnel Pmts to Non-Member Consultants

\$0.00 \$0.00

## 18b(1). Travel and Per Diem to Non-Federal Members

\$0.00 \$0.00

## 18b(2). Travel and Per Diem to Federal Members

\$0.00 \$0.00

<b>18b(3). Travel and Per Diem to Federal Staff</b>	\$0.00	\$0.00
<b>18b(4). Travel and Per Diem to Non-member Consultants</b>	\$0.00	\$0.00
<b>18c. Other(rents,user charges, graphics, printing, mail, etc.)</b>	\$0.00	\$0.00
<b>18d. Total</b>	\$0.00	\$0.00
<b>19. Federal Staff Support Years (FTE)</b>	0.00	0.00

**20a. How does the Committee accomplish its purpose?**

The Committee provides advice to the Secretary of Labor through ILAB's Office of Trade and Labor Affairs (OTLA) on the implementation of and new ways to best achieve the intent of the NAALC and the labor provisions of United States free trade agreements with Jordan, Chile, Singapore, Australia, Morocco, CAFTA-DR countries, Peru, Oman, Bahrain, Colombia, Korea and Panama. The Committee may also provide advice on the labor provisions of any proposed future free trade agreements that the President or Congress may wish to conclude.

**20b. How does the Committee balance its membership?**

The membership has consisted of four members from the labor community, four members from the business community, and four members of the general public. The Membership Balance Plan, which was reviewed and renewed along with the Committee charter in Fiscal Year 2017, guides ILAB's efforts in comprising the Committee. For example, we have sought to ensure a broader representation of different economic sectors, particularly among the business and worker representatives, and considered a broader range of civil society actors to better represent the public interest.

**20c. How frequent and relevant are the Committee Meetings?**

The Committee has been meeting since it was re-established in March 2011. The first meeting was on August 25, 2011, and subsequent meetings were held in October 2011, March 2012, and September 2012, March 2013, February 2014 and February 2016. The meetings have been productive, with ILAB providing updated information about its work, and Committee members asking numerous questions and providing advice regarding DOL's responsibilities in the implementation of the U.S. free trade agreement labor chapters and the NAALC. Recent meetings have demonstrated full member engagement on a growing range of relevant issues. The NAC did not meet during 2015 because two committee members representing half of the total of four business sector representatives retired from their jobs, and ILAB wanted to wait until the vacancies were filled, so that the membership balance among the representative sectors could be retained in any advice the Committee would give to the Secretary of Labor. ILAB resumed meetings in February 2016 and built upon that meeting by establishing a Subcommittee on Strategic Stakeholder Engagement that last met on September 13, 2016.

**20d. Why can't the advice or information this committee provides be obtained elsewhere?**

The Committee offers significant insight on how the U.S. Government can work with its trading partners to improve labor laws and their enforcement in a way that advances the interests of American businesses, workers and citizens more broadly. In addition, Article 17 of the NAALC indicates that each party to the agreement may establish a national advisory committee made up of representatives from labor, business, and the public. The labor chapters of free trade agreements with Chile, Colombia, Korea, Morocco, CAFTA-DR countries, Panama, Peru, Oman, Bahrain, Singapore and Australia also provide for advisory committees. The input of the business, labor, and the public is vital to improving the implementation of these agreements.

**20e. Why is it necessary to close and/or partially closed committee meetings?**

Meetings are open to the public.

**21. Remarks**

The Committee provides advice through the Bureau of International Labor Affairs (ILAB) concerning the implementation of the North American Agreement on Labor Cooperation (NAALC) and the labor provisions of all U.S. free trade agreements. The Committee advises on the implementation of the labor provisions of free trade agreements, including cooperative activities and other matters as they arise in the course of administering the agreements. Members pay their own travel and per diem. The NAC did not meet during Fiscal Year 2018 because Committee activities and operations were being reviewed in accordance with Executive Order 13781, Comprehensive Plan for Reorganizing the Executive Branch, to improve the efficiency, effectiveness, and accountability of Executive Branch agencies. Consequently, FY18 actual costs, which include federal staff support, are substantially less than the NAC charter's reported estimated annual operating costs.

**Designated Federal Officer**

Donna Chung DFO

**Narrative Description**

The NAC provides advice concerning the implementation of the Labor Chapters of US Free Trade Agreements and the North American Agreement on Labor Cooperation

(NAALC).

**What are the most significant program outcomes associated with this committee?**

Checked if Applies

- |   |                                     |
|---|-------------------------------------|
| Improvements to health or safety                  | <input type="checkbox"/>            |
| Trust in government                               | <input checked="" type="checkbox"/> |
| Major policy changes                              | <input type="checkbox"/>            |
| Advance in scientific research                    | <input type="checkbox"/>            |
| Effective grant making                            | <input type="checkbox"/>            |
| Improved service delivery                         | <input checked="" type="checkbox"/> |
| Increased customer satisfaction                   | <input type="checkbox"/>            |
| Implementation of laws or regulatory requirements | <input checked="" type="checkbox"/> |
| Other   | <input type="checkbox"/>            |

**Outcome Comments**

NAC advice has helped ILAB improve its communication to its stakeholders, tailor its research agenda to better support its enforcement of FTA labor provisions, engage with the Government of Mexico on critical issues related to the NAALC, and improve the functioning of the labor-related mechanisms of intergovernmental cooperation under the NAALC.

**What are the cost savings associated with this committee?**

Checked if Applies

- |                            |                                     |
|----------------------------|-------------------------------------|
| None                       | <input checked="" type="checkbox"/> |
| Unable to Determine        | <input type="checkbox"/>            |
| Under \$100,000            | <input type="checkbox"/>            |
| \$100,000 - \$500,000      | <input type="checkbox"/>            |
| \$500,001 - \$1,000,000    | <input type="checkbox"/>            |
| \$1,000,001 - \$5,000,000  | <input type="checkbox"/>            |
| \$5,000,001 - \$10,000,000 | <input type="checkbox"/>            |
| Over \$10,000,000          | <input type="checkbox"/>            |
| Cost Savings Other         | <input type="checkbox"/>            |

**Cost Savings Comments**

Members traveled and participated in the meeting at their own cost.

**What is the approximate Number of recommendations produced by this committee for the life of the committee?**

## **Number of Recommendations Comments**

Not Applicable

## **What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?**

50%

## **% of Recommendations Fully Implemented Comments**

In addition to the recommendations discussed in the past, ILAB addressed two more recommendations in the past two years. With these recommendations, 50% of the NAC's recommendations have been fully implemented. The two recommendations are discussed below. The NAC Research Report recommended that the Office of Economic and Labor Research (OELR) should be guided by the question "What are the necessary conditions for the enforcement of labor provisions in trade agreements?" Consistent with this, from 2015 through 2019, OELR and the DOL Chief Evaluation Office are co-sponsoring a project to collect nationally representative household-based data on the prevalence, nature, and possible effects of working conditions and health issues, including work-related violence, in six Central American trade partner countries. Such new, reliable and objective data, as well as qualitative findings from focus groups, will help to improve our understanding of compliance with certain internationally recognized labor rights. The project is being implemented by the University of Texas School of Public Health and its partners, who have designed and tested for ILAB a work violence module (see 2016 work-related violence report at <https://www.dol.gov/ilab/research/>). The 2012 NAALC Subcommittee Report, which was adopted by the NAC, recommended that ILAB try to engage the Government of Mexico in areas of mutual interest on labor issues including migration and hemispheric cooperation on technical cooperation activities. ILAB has had discussions with the Government of Mexico regarding labor law reforms to address concerns about freedom of association and collective bargaining rights, gender discrimination, as well as child labor and forced labor in the agriculture sector. From December 2014-April 2018, ILAB funded a project that worked with the Ministry of Labor and Social Protection and other stakeholders to address discrimination in the workplace. ILAB is also funding World Vision to implement an \$8.7 million project (Campos de Esperanza) from November 2016 - October 2020 in Mexico, in particular in the coffee and sugarcane sectors, that involves multiple stakeholders in government, the private sector and civil society working together to reduce child labor in migrant agricultural communities, links children and youth to existing educational programs, and refers vulnerable households to existing government programs to improve income and reduce the need for child labor. Additionally, both countries have worked together to conduct

outreach to workers in the U.S. and in Mexico about their legal rights, and to U.S. employers who employ migrant workers about their legal responsibilities. DOL also continues to work closely with Mexico and other countries in the Americas region under the auspices of the OAS Inter-American Conference of Ministers of Labor (IACML). The IACML convenes Ministries of Labor in the Americas region several times per year to discuss priority labor and employment topics of mutual interest. DOL has also engaged with the Government of Mexico on labor issues through the renegotiation of the North American Free Trade Agreement.

**What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?**

25%

**% of Recommendations Partially Implemented Comments**

The NAC NAALC Report recommended exploring the establishment of a virtual Secretariat. ILAB updated its website to publish submissions filed in Mexico and in Canada and reports issued by Mexico and Canada to fill the former publication role of the Secretariat. The NAC Report recommended strengthening the submission process by holding public hearings and creating action plans with follow-up reports. ILAB worked with other DOL agencies (e.g. the Wage and Hour Division) and the Mexican government to develop a plan in response to the Mexican request for consultations under the NAALC and has held public meetings in the United States and Mexico. ILAB and the Mexican Secretariat of Labor and Social Welfare jointly published a report on the activities conducted under the ministerial consultations workplan.

**Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?**

Yes ☒ No ☐ Not Applicable ☐

**Agency Feedback Comments**

We discuss ILAB efforts to implement member suggestions and NAC report recommendations at each meeting and via email.

**What other actions has the agency taken as a result of the committee's advice or recommendation?**

Checked if Applies

Reorganized Priorities

☐

Reallocated resources

☒

Issued new regulation

☐

Proposed legislation	<input type="checkbox"/>
Approved grants or other payments	<input type="checkbox"/>
Other	<input type="checkbox"/>

**Action Comments**

Based on feedback from the Committee, ILAB hired full-time staff whose work expanded to include stakeholder communications. After contracting a web consulting firm to update its website and share information about its activities with stakeholders on a more proactive basis, ILAB led the Department of Labor (DOL) in making the website more accessible, user-friendly and easily updated prompting a broader shift to a content management system that allows for more timely, streamlined updates.

**Is the Committee engaged in the review of applications for grants?**

No

**Grant Review Comments**

Not Applicable

**How is access provided to the information for the Committee's documentation?**

Checked if Applies

Contact DFO	<input checked="" type="checkbox"/>
Online Agency Web Site	<input type="checkbox"/>
Online Committee Web Site	<input type="checkbox"/>
Online GSA FACA Web Site	<input checked="" type="checkbox"/>
Publications	<input type="checkbox"/>
Other	<input type="checkbox"/>

**Access Comments**

Not Applicable